

PART - I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 5th April, 2021

No. Leg. 14/2021.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 31st March, 2021 and is hereby published for general information:-

HARYANA ACT NO. 14 OF 2021**THE HARYANA ENTERPRISES PROMOTION (AMENDMENT) ACT, 2021****AN****ACT**

further to amend the Haryana Enterprises Promotion Act, 2016.

Be it enacted by the Legislature of the State of Haryana in the Seventy-second Year of the Republic of India as follows:-

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| <p>1. This Act may be called the Haryana Enterprises Promotion (Amendment) Act, 2021.</p> | Short title. |
| <p>2. In section 2 of the Haryana Enterprises Promotion Act, 2016 (hereinafter called the principal Act),-</p> <p>(i) after clause (b), the following clause shall be inserted, namely:-</p> <p>‘(ba) “business entity” means an existing enterprise engaged in manufacturing, processing or rendering service which has been set up by an entrepreneur;’;</p> <p>(ii) for clause (c), the following clause shall be substituted, namely:-</p> <p>‘(c) “clearances” means grant or issue of no objection certificate, allotment, consent, approval, permission, registration, enrolment, license, authorization and renewal thereof by any authority in connection with setting up of enterprise or expansion of existing enterprise or business entity in the State;’;</p> <p>(iii) for clause (i), the following clause shall be substituted, namely:-</p> <p>‘(i) “enterprise” means an undertaking engaged in manufacturing, processing or both or rendering service including software development and infrastructure development projects;’;</p> <p>(iv) after clause (I), the following clause shall be inserted, namely:-</p> <p>‘(Ia) “Single Window System” means a setup under single roof comprising of officials from various departments exercising powers of the concerned Head of the Department or official deputed as Empowered Officer to grant clearances to existing business entities and enterprises;’.</p> | <p>Amendment of section 2 of Haryana Act 6 of 2016.</p> |
| <p>3. In sub-section (3) of section 3 of the principal Act,-</p> <p>(i) in clause (vi), the word “and” existing at the end, shall be omitted;</p> <p>(ii) in clause (vii), for the sign “.” existing at the end, the sign “;” shall be substituted; and</p> <p>(iii) the following clause shall be added at the end, namely:-</p> <p>“(viii) to delegate any power exercisable by the Haryana Enterprise Promotion Board under this Act, to its Chairman or any other member of the Haryana Enterprise Promotion Board, subject to such conditions and limitations, as may be specified.”.</p> | <p>Amendment of section 3 of Haryana Act 6 of 2016.</p> |
| <p>4. In section 4 of the principal Act,-</p> <p>(i) in sub-section (3),-</p> <p>(a) in clause (viii), for the sign “.” existing at the end, the sign “;” shall be substituted; and</p> | <p>Amendment of section 4 of Haryana Act 6 of 2016.</p> |

- (b) the following clause shall be added at the end, namely:-
 “(ix) to process online application forms for grant of clearances to existing business entities.”;
- (ii) after sub-section (5), the following sub-section shall be added, namely:-
 “(6) To delegate any power exercisable by the Empowered Executive Committee under this Act, to its Chairman or any other member of the Empowered Executive Committee, subject to such conditions and limitations, as may be specified.”.
- Amendment of section 5 of Haryana Act 6 of 2016. **5.** After sub-section (1) of section 5 of the principal Act, the following sub-section shall be inserted, namely:-
 “(1A) The officials on deputation from various departments shall act as Nodal Officers in Haryana Enterprise Promotion Centre. The administrative department concerned shall make provision for delegating such powers, as necessary for enabling the said officer to discharge his function as Head of Department.”.
- Amendment of section 6 of Haryana Act 6 of 2016. **6.** For sub-section (2) of section 6 of the principal Act, the following sub-section shall be substituted, namely:-
 “(2) The objective of Bureau of Industrial Policy and Promotion shall be to policy outreach, continuous engagement with the industry in an ongoing basis, tracking investment proposals, investment promotion, obtaining user feedback, resolving issues relating to Non-Resident Indian and foreign direct investment, hand-holding investors and converting investment queries into investment commitments. The working procedure shall be as notified by the State Government from time to time.”.
- Amendment of section 8 of Haryana Act 6 of 2016. **7.** In sub-section (2) of section 8 of the principal Act,-
 (i) in clause (iv), the word “and” existing at the end, shall be omitted; and
 (ii) for clause (v), the following clauses shall be substituted, namely:-
 “(v) to process online application forms for grant of clearances to existing business entities;
 (vi) such other functions, as may be prescribed.”.
- Substitution of section 9 of Haryana Act 6 of 2016. **8.** For section 9 of the principal Act, the following section shall be substituted, namely:-
 “9. Online composite application form.- (1) There shall be an online composite application form for the use of entrepreneurs on the web portal of the Industries and Commerce Department for receiving online composite applications forms. On receiving an application, the Haryana Enterprises Promotion Centre or the District Industries Centre shall collate, process, secure clearances from the authorities in such manner, as may be prescribed. All the processing and clearances shall be given in respect of authority through the web portal.
 (2) For all clearances of business entities, online application forms shall be made available through single window on the web portal of Industries and Commerce Department. The business entities shall fill in application forms available on the web portal for grant of clearances.
 (3) From the commencement of this amendment Act, all the concerned departments within thirty days shall publish their services online along with check lists and procedures. These departments shall align the timelines for granting these clearances as notified under this Act. They shall also secure feedback of the services from the entrepreneurs availing services.”.
- Substitution of section 11 of Haryana Act 6 of 2016. **9.** For section 11 of the principal Act, the following section shall be substituted, namely:-
 “11. Deemed clearances.- (1) The Nodal Officers in the Haryana Enterprises Promotion Centre and the District Level Clearance Committees shall decide applications within such time limit, as may be notified from time to time, after obtaining approval of the Empowered Executive Committee or the District Level Clearance Committee or the respective authorities exercising delegated powers, as the case may be, and grant clearances or reject the applications giving reasons in writing, failing which such clearances shall be deemed to have been issued by the competent authority as prescribed on the following day after expiry of the prescribed time limit.

(2) The entrepreneur or business entity may proceed to execute the work or take other action following the deemed clearance, but not so as to contravene any of the provisions of the relevant Act or rules made thereunder.”.

10. For section 12 of the principal Act, the following section shall be substituted, namely:-

Substitution of section 12 of Haryana Act 6 of 2016.

“12. Notified services.- The Industries and Commerce Department in consultation with the concerned department, may notify various services and timelines for grant of clearances thereof relating to promotion of enterprises in the State, from time to time, under the Haryana Right to Service Act, 2014 (4 of 2014).”.

11. For section 15 of the principal Act, the following section shall be substituted, namely:-

Substitution of section 15 of Haryana Act 6 of 2016.

“15. Penalties.- (1) Any enterprise whose application for a service is rejected or is delayed beyond the prescribed time limit, may file an appeal before the Deputy Chief Executive Officer, Haryana Enterprises Promotion Centre within thirty days from the date of rejection or expiry of prescribed time limit, as the case may be:

Provided that the Deputy Chief Executive Officer may admit the appeal after the expiry of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receiving such appeal, Deputy Chief Executive Officer may either himself or through the Chairman of the concerned District Level Clearance Committee to which the application pertains, or any other authority, as the case may be, call for necessary information and seek assistance in order to determine whether the application pertains to the official deputed by the concerned department in the Haryana Enterprises Promotion Centre (Nodal Officer) or the Designated Officer of the service notified by the concerned department under the Haryana Right to Service Act, 2014 (4 of 2014) within a period of ten days of receipt of such appeal. The appeal shall then be forwarded to the first appellate authority as per the procedure defined in sub-section (3).

(3) The mechanism for filing and processing of appeal and timelines for disposing off the appeals shall be such as defined in the Haryana Right to Service Act, 2014 (4 of 2014). The Designated Officer, first appellate authority and second appellate authority as required under the Haryana Right to Service Act, 2014 (4 of 2014) shall be determined as follows:

- (a) for all such cases pertaining to the official deputed by the concerned department in the Haryana Enterprises Promotion Centre, the Nodal Officer shall be considered as the Designated Officer, Chief Executive Officer shall be designated as the first appellate authority and the Chairman, Empowered Executive Committee setup under the Haryana Enterprises Promotion Act, 2016 as the second appellate authority;
- (b) for all such cases pertaining to the Designated Officer of the service notified by the concerned department, under the Haryana Right to Service Act, 2014 (4 of 2014), first appellate authority and second appellate authority shall be such as notified by the concerned department under the Haryana Right to Service Act, 2014 (4 of 2014).

(4) The mechanism and amount of the penalties to be imposed in case of any default on the part of the Nodal Officer or Designated Officer, as the case may be, shall be as per the applicable provisions under the Haryana Right to Service Act, 2014 (4 of 2014).

(5) Any entrepreneur who fails to comply with the conditions of undertaking, for the first instance of non-compliance shall be liable to pay fine which shall be fifty thousand rupees and for subsequent non-compliance, shall be liable to pay fine which may extend to one lakh rupees.”.

BIMLESH TANWAR,
Administrative Secretary to Government, Haryana,
Law and Legislative Department.